

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED

OCT 26 2009

JOHN F. BORDORIAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

KELVIN BROWN,
PLAINTIFF

v.

CIVIL ACTION No. 7:09CV 00180

TRACY S. RAY, WARDEN, ET AL
DEFENDANT(S)

MOTION FOR REHEARING
EN BANC

COME NOW PLAINTIFF, KELVIN BROWN, pro se, upon his
MOTION FOR REHEARING EN BANC FOR THE FOLLOWING REASON(S):

1. ON OCTOBER 8, 2009, THE COURTS DISMISSED PLAINTIFF'S
MOTION FOR APPOINTMENT OF COUNSEL, PURSUANT TO 28
U.S.C. 1915(E)(1) 2000. PLAINTIFF, IN HIS MOTION FOR
COUNSEL REQUESTED THE COURTS APPOINT HIM COUNSEL DUE
TO HIS INABILITY TO RETAIN HIS OWN COUNSEL, FULLY COMPLY
WITH DISCOVERY RULE(S), INVESTIGATE THE THOROUGHNESS OF
HIS CASE, NECESSITATE EXPERT TESTIMONY, COMPLEXITY OF
LEGAL ISSUE(S) REGARDING THE CASE.

PLAINTIFF STATES, HIS 28 U.S.C. 1915 (E) (I) 2000 RIGHTS TO COUNSEL SHOULD BE INVOKED, BEING HIS FULFILLMENT AT LITIGATION SQUANDER(S) HIS RIGHTS TO FULLY COMPLEMENT AN DEFENSIVE LITIGATION IN WHICH THE "PINCHAK" DOCTRINE" AFFORDS HIM. SEE PINCHAK. SUPRA 294 F.3d. 501 (2002) THE COURTS SHOULD BE OF THE OPINION TO APPOINT PLAINTIFF COUNSEL DUE TO LEGAL FACT(S) AND STATUTORIAL PROVISION(S); DUE TO HIS LEGAL NEEDS OF THE JUDICIAL NECESSITY AT EQUITY.....

WHEREFORE, PLAINTIFF RESPECTFULLY REQUEST THE COURT TO GRANT HIS MOTION FOR REHEARING EN BANC AND APPOINT HIM COUNSEL, PER SE AT LAW.

RESPECTFULLY SUBMITTED

Mr. Kelvin Brown
MR. KELVIN BROWN,
PLAINTIFF

OCTOBER 23, 2009

KELVIN BROWN #1106672-207902
RED OXLEY STATE PRISON D-313
P.O. Box 1900
Pound, VIRGINIA 24279

Virginia Dept Of Correction
Has Neither Censored Or Inspected
Item. Therefore, The Dept Does Not
Assume Any Responsibility
For It's Contents



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